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FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. APPLICATION NO. FILING DATE 02/14/2001 Harald Vater JEK/VATER 7577 09/700,656 7590 **EXAMINER** 10/17/2005 Bacon & Thomas DAVIS, ZACHARY A Fourth Floor ART UNIT PAPER NUMBER 625 Slaters Lane Alexandria, VA 22314-1176 2137

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application							
Examiner 2achary A Davis 2137 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.13(b). In no server, however, may a cept be brinkly filed after Str. (9 MCM*This from the amoling due of the communication. Fallules to eight within the act or admended print for repty will, by shalled, cause the application beacons ABANCONED (36 U.S.C. § 130). Any reply received by the Office latin the time mention due of this communication. Fallules to eight within the act or admended print for repty will, by shalled, cause the application is become ABANCONED (36 U.S.C. § 130). Any reply received by the Office latin the time mention glade of this communication, even if linely filed, may reduce any search planet form adjustment. See 37 CFR 1.704(b). Status 1) □ Responsive to communication(s) filed on 22 July 2005. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 Q.G. 213. Disposition of Claims 4) □ Claim(s) 1-43 is/are pending in the application. 4a) Of the above claim(s) 1-13 is/are withdrawn from consideration. 5) □ Claim(s) 1-13 are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. Application Papers 9) □ The drawing(s) filed on 1 is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The frawing(s) filed on 1 is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The drawing(s) filed on 1 is/are: a) □ accepted or b) □ objected to See 37 CFR 1.85(a). Replacement drawing sheet(s) i			Applicati	on No.	Applicant(s)		
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12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)	11)	The oath or declaration is objected to by the	e Examiner. N	ote the attached Office	Action or form P	TO-152.	
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DETAILED ACTION

A Request for Continued Examination with amendment was received on 22 July
 Claims 1 and 22 have been amended. No claims have been added or canceled.
 Claims 1-43 are currently pending in the present application.

Response to Arguments

2. At least partially in light of Applicant's arguments, a requirement for restriction under 35 U.S.C. 121 and 372 has been deemed necessary. Specifically, in reference to independent Claims 1 and 22, *inter alia*, Applicant has argued that the cited references do not disclose the claimed limitations regarding modification of signals radiated by a processor during execution of a program by modifying the program steps. Further, in reference to independent Claim 26, *inter alia*, Applicant has argued that the cited references do not disclose the use of an XOR operation to mask keys, and again argues that there is no modification of a decryption algorithm to compensate for the masked keys. These arguments, combined with the analysis below, suggest that further prosecution of these differing groups of claims would be divergent, placing an undue burden on the Examiner. Therefore restriction is proper and is required as set forth below.

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Election/Restrictions

3. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-25 and 41, drawn to a data carrier with a semiconductor chip and a method for executing security-relevant operations in such a data carrier (classified in class 713, subclass 194).

Group II, claims 26-33 and 42, drawn to a method for protecting secret data (classified in class 380, subclass 252).

Group III, claims 34-40 and 43, drawn to a method for executing a plurality of operations (classified in class 380, subclass 28).

- 4. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the method of Group II does not include the specific limitations of the methods and apparatus of Group I. Specifically, Group II does not include the steps of executing only selected operating program commands of such a kind or in such a way that data processed by the commands cannot be inferred from signals that have been detected outside the semiconductor chip. Therefore, the two groups of claims are not directed to a product and a process of use of said product. See 37 CFR 1.475.
- 5. The inventions listed as Groups I and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the method of Group III does not include the specific limitations of the methods and apparatus of Group I. Specifically, Group III does not include the steps of executing only selected operating program commands of such a kind or in such a way that data processed by the commands cannot be inferred from signals that have been detected outside the

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semiconductor chip. Therefore, the two groups of claims are not directed to a product and a process of use of said product. See 37 CFR 1.475.

- 6. The inventions listed as Groups II and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the method of Group II does not include the specific limitations of the method of Group III, and vice versa. Specifically, Group II does not include the steps required by Group III, such as varying the order of execution of a subset of operations, and Group III does not include the steps required by Group II, such as falsifying input data and combining output data with an auxiliary function value to compensate for the falsification of the input data. Therefore, the two groups of claims lack the same special technical feature. See 37 CFR 1.475.
- 7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A. Davis whose telephone number is (571) 272-

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3870. The examiner can normally be reached on weekdays 8:30-6:00, alternate

Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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EMMANUEL L. MOISE SUPERVISORY PATENT EXAMINER

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